



General Assembly

January Session, 2013

## ***Amendment***

LCO No. 7989

**\*HB0661407989HDO\***

Offered by:

REP. TERCYAK, 26<sup>th</sup> Dist.

SEN. OSTEN, 19<sup>th</sup> Dist.

To: Subst. House Bill No. **6614**

File No. 236

Cal. No. 179

### ***"AN ACT CONCERNING EMPLOYERS AND HEALTH CARE."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2013*) (a) As used in this  
4 section:

5 (1) "Person" has the same meaning as provided in section 42-133e of  
6 the general statutes, except "person" shall not include the state or any  
7 department, agency or political subdivision thereof;

8 (2) "Covered employer" means any person who employs at least one  
9 hundred employees who receive assistance under HUSKY Plan, Part A  
10 or Part B.

11 (b) Each covered employer shall pay a quarterly fee to the Labor  
12 Commissioner for each employee who receives HUSKY Plan, Part A or  
13 Part B, in excess of the one hundred employee threshold necessary to

14 qualify an employer as a covered employer pursuant to subdivision (2)  
15 of subsection (a) of this section. Each quarterly fee shall be equal to five  
16 hundred dollars divided by five hundred twenty and multiplied by the  
17 number of hours each such employee worked for such covered  
18 employer during the previous quarter, except no fee shall exceed five  
19 hundred dollars in any quarter for each such employee. Such fees shall  
20 not accrue until the start of the first quarter after the regulations have  
21 been adopted pursuant to subsection (c) of this section. The  
22 commissioner shall collect such fees from each covered employer not  
23 later than sixty days after the completion of the quarter in which such  
24 fees were assessed. The commissioner shall deposit such revenue  
25 derived therefrom with the State Treasurer who shall deposit such  
26 revenue in the General Fund.

27 (c) On or before July 1, 2014, the Labor Commissioner, in  
28 collaboration with the Commissioner of Social Services, shall adopt  
29 regulations, in accordance with chapter 54 of the general statutes, for  
30 the determination of and collection of fees pursuant to subsection (b)  
31 of this section.

32 (d) Any party aggrieved by the commissioner's determination of  
33 fees pursuant to subsection (b) of this section may appeal to the  
34 Superior Court in accordance with the provisions of chapter 54 of the  
35 general statutes.

36 (e) The commissioner may request the Attorney General to  
37 investigate any violation of subsection (b) of this section. Any  
38 information obtained pursuant to this investigation shall be exempt  
39 from disclosure under section 1-210 of the general statutes. If the  
40 Attorney General finds that a covered employer has violated or is  
41 violating any provision of subsection (b) of this section, the Attorney  
42 General may bring a civil action in the superior court for the judicial  
43 district of Hartford under this section in the name of the state against  
44 such covered employer.

45 (f) (1) A covered employer shall not designate an employee as an

46 independent contractor or temporary employee, reduce an employee's  
 47 hours of work or terminate an employee for the purpose of avoiding  
 48 such covered employer's obligations under this section.

49 (2) A covered employer shall not require an employee to enroll in or  
 50 disenroll from any health care plan, including, but not limited to  
 51 HUSKY Plan, Part A or Part B, or under section 17b-261n of the general  
 52 statutes, as a condition of such employee's employment."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	New section